

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GAIL MCKEE,

Plaintiff,

v.

1:13-cv-36-WSD-ECS

**AT&T MOBILITY
CORPORATION,**

Defendant.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge E. Clayton Scofield III's Report and Recommendation [12] ("R&R") on the parties' Joint Motion to Substitute AT&T Mobility Services, LLC for the Incorrectly Named Corporate Defendant ("Motion to Substitute").

I. BACKGROUND

On January 4, 2013, Plaintiff Gail McKee ("Plaintiff") filed her Complaint [1] asserting claims for employment discrimination against Defendant AT&T Mobility Services Corporation ("AT&T Corp."). On April 18, 2013, AT&T Mobility Services, LLC ("AT&T LLC") filed an Answer [4] and asserted that it is the proper Defendant in this action and that it was improperly identified as AT&T Corp. in the Complaint.

On June 20, 2013, the parties jointly submitted their Motion to Substitute seeking the voluntary dismissal, with prejudice, of Plaintiff's claims against AT&T Corp. and the substitution of AT&T LLC for AT&T Corp. as the Defendant. In their Motion, the parties agree that AT&T Corp. was improperly named and that AT&T LLC was Plaintiff's employer at all relevant times.

On July 9, 2013, Magistrate Judge Scofield issued his R&R recommending that the Motion to Substitute be granted. Neither party filed an objection to the R&R.

II. DISCUSSION

A. Legal Standard

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1) (Supp. V 2011); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982) (per curiam). A district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). If no party has objected to the report and recommendation, a court conducts only a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam).

B. Analysis

The parties do not object to Judge Scofield's recommendation that their Motion to Substitute be granted. The Court does not find plain error in this recommendation. See Fed. R. Civ. P. 15(a)(2) (authorizing the amendment of pleadings with the opposing party's written consent); Fed. R. Civ. P. 41(a) (authorizing the voluntary dismissal of an action by "a stipulation of dismissal signed by all parties who have appeared"). Accordingly, the Court adopts the R&R.

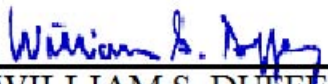
III. CONCLUSION

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge E. Clayton Scofield III's Report and Recommendation [12] is **ADOPTED**. The parties' Joint Motion to Substitute AT&T Mobility Services, LLC for the Incorrectly Named Corporate Defendant [10] is **GRANTED**.

IT IS FURTHER ORDERED that all claims asserted against AT&T Mobility Corporation are dismissed with prejudice, and AT&T Mobility Services, LLC is substituted as the sole Defendant in this action.

SO ORDERED this 29th day of July, 2013.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE